

2023 Legislative summary

The 2023 Legislative session has come and gone, leaving in its wake several important bills related to Montana Fish, Wildlife & Parks bills that passed and many more that didn't.

In our view, the biggest success was passage of SB 295. This legislation is a critical step toward federal grizzly bear delisting, at least for the Northern Continental Divide Ecosystem population, because it defines a portion of the state regulatory framework for managing and conserving bears required by the Endangered Species Act.

Among other things, SB 295 directs the Montana Fish and Wildlife Commission to adopt “administrative rules” describing circumstances and the regulatory structure under which bears can and can't be killed. Those rules will ensure that grizzly populations remain healthy and above recovery levels while allowing ranchers discretion to kill grizzlies in more conflict situations than allowed now under federal management authority.

To understand how SB 295 fits in with the other steps Montana has taken to fulfill ESA delisting requirements over the past two decades, see “Ready for the Handoff” on page 24.

Other important bills making news during the session include:

▶ **Montana's two-year budget bill.** Governor Gianforte's budget included broad support for conservation and recreation work across the state, including \$7 million for the FWP Block Management Program, \$12 million for Habitat Montana, \$12 million for various habitat and conservation projects, \$3 million for work on sites on the lower Yellowstone River, and \$5 million for improvements to Makoshika State Park.

▶ **Hunter education field days.** A bill to mandate in-person field days for the FWP Hunter Education Program was voted down in the Senate. The bill initially sought to mandate an in-person field *day*, but was later amended to mandate full in-person *courses* for hunters under 18.

In-person field days are an excellent idea, and though the bill was voted down, the strong support it had through much of the process was definitely noteworthy. FWP will be requiring in-person field days for Hunter Ed students age 18 and younger this year.

▶ **Right to hunt, fish, and trap.** A constitutional referendum to enshrine the right to hunt, fish, and trap in the state constitution fell a few votes short of advancing to Montana voters. Proponents argued it would help curb citizen initiatives like those aimed at banning trapping on public lands. Opposing the bill were Montanans against trapping, as well as others who voiced concern that the constitutional rights could increase private land trespassing.

▶ **Block Management payments.** A bill supported by hunting groups and landowners to double the payment cap in Montana's Block Management Program passed and was signed into law. Qualifying landowners may now earn up to \$50,000 each year in compensation for accommodating public hunting access. The bill is a key part of how FWP is improving the Block Management Program.

▶ **Nonresident hunters.** The Legislature considered various bills in response to residents' concerns about increased nonresident hunting presence and competition between the two groups for hunting opportunities. One that passed with strong bipartisan support will limit the number of antlerless deer licenses available to nonresidents.

▶ **Elk hunting access.** A bill to make an important change to the “454” program—named for its original legislation in 2001—passed the Legislature with strong bipartisan support. The program had

been adjusted during the 2021 Legislative session to give qualifying landowners a hard-to-draw bull elk permit in exchange for allowing three public hunters on their property, rather than four as previously required. The 2023 change ensures that at least one of the three public hunters on each property will get a chance to harvest a bull if the landowner also receives a bull permit.

I was especially pleased that outfitters and hunting groups worked out differences on this and several other issues before the session began. Such foresight and cooperation go a long way toward convincing lawmakers to pass bills.

▶ **A few others.** A bill to allow the use of crossbows during Montana's archery season was voted down. So was a bill to repeal the FWP/Montana State Prison pheasant-rearing program, created during the 2021 session. A trio of bills aimed at expanding the use of snares to trap

wolves, extending wolf trapping seasons, and allowing the use of hounds for spring black bear hunting died on the House floor.

Overall, Montana fish and wildlife resources and their management fared well during this past legislative session. One thing I noticed at the capitol this year was more consensus and cooperation among people who value hunting, fishing, other outdoor recreation, and conservation. Groups representing landowners, outfitters, hunters, and anglers collectively worked on common legislation to benefit the state.

No one got everything they wanted. But that's always the case. The politics of fish, wildlife, and outdoor recreation management is about compromise, and never more so than when the Legislature is in session.

—Dustin Temple, Director, Montana Fish, Wildlife & Parks



One bill that passed allows qualifying landowners to now earn up to \$50,000 each year in compensation for granting public hunting access through the popular Block Management Program.